

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JIMMY ERIC GREEN,

Petitioner,

Case No. 10-12824

v.

Hon. John Corbett O'Meara

CARMEN PALMER,

Respondent.

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ORDER DENYING MOTION FOR REHEARING

Before the court is Petitioner's motion for rehearing, filed August 31, 2011. Petitioner requests reconsideration of the court's August 19, 2011 order adopting the magistrate's report and recommendation. The magistrate recommended that the court deny Petitioner's application for a writ of habeas corpus, which the court did.

Pursuant to LR 7.1(h)(2), the court did not require a response or conduct a hearing. The standard for granting a motion for reconsideration is as follows:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration which merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant shall not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

LR 7.1(h)(3).

Having filed a motion for reconsideration that presents the same issues ruled upon by the court, and thoroughly addressed by the magistrate judge, Petitioner has failed to demonstrate a palpable defect by which the court and the parties have been misled. Accordingly, IT IS

HEREBY ORDERED that Petitioner's August 31, 2011 motion for reconsideration is DENIED.

s/John Corbett O'Meara
United States District Judge

Date: October 28, 2011

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, October 30, 2011, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager